

Explorica, Inc.,

Plaintiff(s),

v.

Elderhostel, Inc. d/b/a Exploritas,  
Defendant(s).

CIVIL ACTION NO.: 1:09cv11719 - RGS

**ORDER REGULATING NON-JURY TRIAL BEFORE STEARNS, DJ.**

**STEARNS, DJ**

THE ABOVE-CAPTIONED ACTION IS SCHEDULED FOR A NON-JURY TRIAL COMMENCING ON  
**MAY 24, 2010 AT 9:00 A.M.** IN COURTROOM #21, 7th Floor, JOHN JOSEPH MOAKLEY UNITED  
STATES COURTHOUSE, BOSTON, MA.

ON OR BEFORE **MAY 17, 2010** COUNSEL SHALL FILE THE FOLLOWING DOCUMENTS  
WITH THE CLERK:

**TO BE JOINTLY FILED BY COUNSEL:**

1. A STIPULATION OF FACTS AGREED TO BY THE PARTIES;
2. A LIST OF EXHIBITS TO BE INTRODUCED WITHOUT OBJECTION,  
IDENTIFIED BY A SINGLE SEQUENCE OF NUMBERS, REGARDLESS  
OF WHICH PARTY IS THE PROPOSER OF AN EXHIBIT;
3. A LIST OF MARKED ITEMS TO BE OFFERED AT TRIAL AS TO WHICH  
AN OPPOSING PARTY HAS RESERVED THE RIGHT TO OBJECT,  
IDENTIFIED BY A SINGLE SEQUENCE OF CAPITAL LETTERS,  
REGARDLESS OF WHICH PARTY IS THE PROPOSER OF AN  
EXHIBIT;
4. A LIST OF PROSPECTIVE WITNESSES;
5. A LIST OF DEPOSITIONS TO BE USED AT TRIAL BY EACH PARTY  
IDENTIFYING THE PORTIONS TO BE USED BY PAGE AND LINE NUMBERS,  
AND ANY OBJECTIONS. IF OBJECTIONS ARE TO BE PRESERVED, RULINGS  
MUST BE SOUGHT PRIOR TO TRIAL.

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**TO BE FILED BY EACH COUNSEL, SEPARATELY, AFTER TRIAL:**

A STATEMENT OF PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF  
LAW, WHICH ARE TO BE FILED WITH THE COURT ACCORDING  
TO THE "BRIEFING SCHEDULE" WHICH WILL BE ESTABLISHED AT THE CONCLUSION  
OF THE TRIAL. EACH PROPOSED FINDING AND CONCLUSION IS TO BE SET OUT IN  
A SEPARATELY NUMBERED PARAGRAPH.

**FAILURE OF COUNSEL TO COMPLY WITH THIS ORDER WILL RESULT IN SANCTIONS  
TO BE IMPOSED.**

SO ORDERED.

RICHARD G. STEARNS  
UNITED STATES DISTRICT JUDGE

DATED: May 4, 2010

BY: /s/ Terri Seelye  
Deputy Clerk